CF 1002

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(4)

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

W. P. (S)No. 890 /2007(S.B.)

**PETITIONER :** Kushuwa Prasad Sidar
S/o Shri Bhogilal Sidar
Aged about 44 years, Asst. Teacher, R/o Village –Kandola Post– Bonda Via- Sariya, Tah.- Sarangarh, Dist: Raigarh-(C.G.)

P.N. No. 8/2/07
Presented by Shri Veenit Pandey
Dated 8/2/07

**VERSUS**

**RESPONDENTS** :1. State of Chhattisgarh
Through : Secretary
School Education Department,
D.K.S. Bhawan, Raipur (C.G.)

2. District Education Officer
Raigarh,
Dist : Raigarh-(C.G.)

3. Block Education Officer
Block – Raigarh District – Raigarh (C.G.)

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**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

(B)

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**W. P.(S) No. 890 of 2007**

Petitioner : Kushuwa Prasad Sidar

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

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Present: Mr. Vineet Kumar Pandey, Advocate for the petitioner.

Mr. Sushil Dubey, Govt. Advocate for the State/ respondents.

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**O R D E R**

(Passed on this 14th Day of February, 2007)

1. The petitioner was appointed on 21.9.1982 as Assistant Teacher on fixed pay scale of Rs. 150/-. After completion of two year probation, he was granted regular pay scale of Rs. 169-300/-.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special

Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Aeman Jain vs. The State Government of Chhattisgarh & another (W. P. No. 1463/2006) by order dated 10.11.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Aeman Jain vs. The State Government of Chhattisgarh & another (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Subhash